

September 22, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Subscriber Acknowledgement Report (September 22, 2005)
Nuvio Corporation; WC Docket No. 05-196**

Dear Ms. Dortch:

Nuvio Corporation ("Nuvio"), through its undersigned counsel and in response to the Public Notice issued by the Enforcement Bureau ("Bureau") on August 26, 2005 ("Public Notice"), submits this Subscriber Acknowledgement Report ("Report") to advise the Commission of the status of Nuvio's efforts to comply with Commission Rule 9.5(e). Nuvio previously filed a Subscriber Acknowledgement Report on September 1, 2005 in response to the Bureau's July 26, 2005 Public Notice ("September 1 Report").

As requested in the Public Notice, Nuvio responds to the following questions set out in the Public Notice:

- 1) **A detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.**

As detailed in response to question 4 in Nuvio's September 1 Report, Nuvio distributed labels and sent advisories to all of its customers by the July 29, 2005, deadline.

- 2) **A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.**

September 22, 2005

Page 2

As of September 21, 2005, Nuvio has obtained affirmative acknowledgement from approximately 85% of its subscriber base. Nuvio cannot predict with certainty what its final response rate will be, but estimates that 15% of its customers will still not have provided affirmative acknowledgement by September 28, 2005.

3) A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.

As previously described in response to Question 5 of Nuvio's September 1 Report, Nuvio is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers. Nuvio continues to send out e-mails every week and to restrict account access of subscribers who have not yet submitted an affirmative acknowledgment. In addition, Nuvio is calling subscribers who have not yet provided acknowledgements. Please see Nuvio's response to question 4 as to what the Company plans to do for those customers that have not provided affirmative acknowledgement.

4) A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgment by September 28, 2005.

Nuvio will await further direction from the Commission to determine what actions it will take for those customers that do not provide affirmative acknowledgement by September 28, 2005, but would prefer not to disconnect customers as 9-1-1 calls are not the only calls that people want to place in the event of an emergency. Even if Nuvio customers do not have access to 9-1-1 services, the Company believes that customers are better served by having some communications capability rather than none.

If Nuvio is required to implement a "soft" disconnect, the Company will be compelled to implement a system that will route all seven or ten digit calls to a pre-recorded message informing the customer that they must provide affirmative acknowledgment in order to restore the full functionality of their VoIP service. Customers will be instructed to complete the affirmative acknowledgment form on the Company's website in order to have their outbound calling service fully restored. Customers will also be provided a toll free number to contact Nuvio's customer support center should they have any questions or need assistance in accessing the affirmative acknowledgment form.

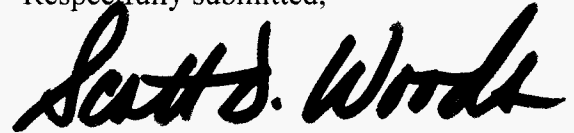
Nuvio is working hard to meet the Commission's November 28, 2005, deadline for providing E9-1-1 services to its customers. At this time, some of Nuvio's customer base does not have access to emergency services when they dial 9-1-1, including the 15% of customers that have not yet provided Nuvio with their affirmative acknowledgement. Rather than deploying an interim system for the delivery of 9-1-1 calls that would not comply with the VoIP E9-1-1 Order, Nuvio is focusing its resources on developing a 9-1-1 capability that conforms with the VoIP E9-1-1 Order by the November 28, 2005 deadline. Those customers subject to a "soft" disconnect

September 22, 2005

Page 3

would not have access to emergency services when they dial 9-1-1. Nuvio has complied with all of the notice provisions ordered by the Commission and is actively seeking to obtain affirmative acknowledgement from its customer base as detailed in this filing.¹

Respectfully submitted,

A handwritten signature in black ink that reads "Scott D. Woods". The signature is written in a cursive, flowing style.

Russell M. Blau

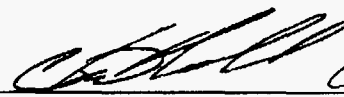
Scott D. Woods

Counsel for Nuvio Corporation

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
Best Copy and Printing, Inc.

¹ Prior to the release of the VoIP E9-1-1 Order, Nuvio informed customers of the limitations associated with accessing emergency services.

I, Chris Bramhall, state that I am Chief Operating Officer, of Nuvio Corporation; that I am authorized to submit the forgoing *Subscriber Acknowledgement Report* ("Report") on behalf of Nuvio Corporation; that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.


Name: Chris Bramhall
Title: Chief Operating Officer
Nuvio Corporation

Chief Operating Officer, Nuvio Corp. 9-27-05